

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3874. Misbranding of Burvidin. U. S. v. 5 Cases * * *. (F. D. C. No. 24888. Sample No. 28532-K.)

LIBEL FILED: June 15, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about May 25, 1948, by the Research Laboratories, Inc., from Portland, Oreg.

PRODUCT: 5 cases, each containing 12 1-pint bottles, of *Burvidin* at Denver, Colo.

LABEL, IN PART: (Bottle) "Contents: One Pint *Burvidin* Active Ingredients: An aqueous extraction of the following botanicals: Plume Thistle (*Carduus Lanceolatus*), Burdock (*Lappa*), Sage (*Salvia*), Kola (Seed of the Nut Kola *Acuminata*), Dandelion (*Taraxacum Officinale*), Horehound (*Marrubium Vulgare*), Calamus (*Acorus Calamus*), Althea (*Althaea Officinalis*), Quassia (*Picrasma Excelsa*), Cinnamon (*Cinnamomum Cassia*), Ginseng (*Penax Quinquifolia*), Sodium Salicylate and Thiamine. *Cascara Sagrada* and Licorice added."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in a circular entitled "*Burvidin*," which accompanied the article, were false and misleading. The statements represented and suggested that the article was an effective remedy for arthritis and rheumatism; that it would effect definite improvement in 80 to 90 percent of cases of acute and chronic arthritis if used for three months or longer; that it would effect definite improvement in 92 to 100 cases of arthritis, 33 to 38 cases of neuritis, 25 to 27 cases of sciatica, and 38 to 41 cases of general rheumatism; that it would effect good results in the treatment of abnormal conditions of the blood and urine; that it would effect marked improvement or complete relief of symptoms in the great majority of cases of arthritis; that it would render symptom-free 16 of 20 cases of arthritis; that it would answer the prayer of at least 75 percent of arthritics; and that it would effect improvement in 87.7 percent of cases of atrophic arthritis and in 77.7 percent of cases of hypertrophic arthritis, selected as of long duration and more hopeless, and 1 year after discontinuance of the medication all but 1 of 169 such cases would have experienced no recurrence of their arthritic syndromes. The article was not an effective remedy for arthritis and rheumatism and was not capable of fulfilling the promises of benefit stated and implied.

DISPOSITION: February 7, 1951. The case having been removed to the Northern District of Illinois and the Research Laboratories, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

3875. Misbranding of Special Formula tablets and Palmo tablets. U. S. v. 1 Drum, etc. (F. D. C. No. 33508. Sample Nos. 33779-L, 33780-L.)

LIBEL FILED: August 4, 1952, Western District of Michigan.

ALLEGED SHIPMENT: On or about November 29, 1951, from Buffalo, N. Y.

PRODUCT: 1 drum containing 52,000 *Special Formula tablets* and 200 100-tablet envelopes of *Palmo tablets* at Bellevue, Mich., in the possession of the H. D. Powers Co., together with quantities of printed matter relating to the tablets

*See also Nos. 3868, 3872, 3873.

and consisting of empty envelopes, remittance blanks, order blanks, and form letters headed "An Important Message For You" and form letters marked "Palmo #1," "Palmo #2," and "Palmo C-1."

RESULTS OF INVESTIGATION: The tablets contained in the envelopes were re-packed by the consignee from the lot of *Special Formula tablets* shipped in bulk.

LABEL, IN PART: (Drum) "Special Formula Tablets * * * Each tablet contains theobromin, sodium salicylate, potassium citrate, extract buchu and extract uva ursi (beanberry)"; (envelope) "Palmo Tablets * * * Distributed by H. D. Powers Company 120 Greenwood Avenue, Battle Creek, Michigan."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the tablets, namely, in the above-mentioned printed matter accompanying the tablets, were false and misleading. The statements represented and suggested that the tablets (both lots) were an adequate and effective treatment for frequent desire to urinate and for urinary conditions due to irritation of the bladder and urinary tract. The tablets were not an adequate and effective treatment for such conditions.

DISPOSITION: September 5, 1952. Mabel Powers, owner of the product, having entered an appearance and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the tablets, in bulk and as repackaged, and the printed matter be destroyed.

3876. Misbranding of Menestrex capsules. U. S. v. 28 Bottles, etc. (F. D. C. No. 33348. Sample No. 2614-L.)

LIBEL FILED: July 15, 1952, Southern District of Georgia.

ALLEGED SHIPMENT: On or about June 21, 1951, by the Rex Laboratory, from Nashville, Tenn.

PRODUCT: 28 12-capsule bottles of *Menestrex* and 7 25-capsule bottles of *Menestrex Extra Strength* at Augusta, Ga. Examination showed that the 12-capsule bottles of the product contained approximately 3.8 grains per capsule of quinine sulfate and 0.62 grain per capsule of potassium permanganate and that the 25-capsule bottles contained approximately 3.8 grains per capsule of quinine sulfate and 0.87 grain per capsule of potassium permanganate.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Menestrex * * * For easing distress in scanty or functionally difficult menstruation * * *" was false and misleading since the article (both lots) was not efficacious to ease distress in scanty or functionally difficult menstruation.

DISPOSITION: October 29, 1952. Default decree of condemnation and destruction.

3877. Misbranding of worm syrup. U. S. v. 11 Dozen Bottles * * *. (F. D. C. No. 33094. Sample No. 8977-L.)

LIBEL FILED: April 30, 1952, Northern District of Indiana.

ALLEGED SHIPMENT: On or about February 21, 1952, by Northville Laboratories, Inc., from Northville, Mich.

PRODUCT: 11 dozen 2-ounce bottles of *worm syrup* at Fort Wayne, Ind.

LABEL, IN PART: "Hill's Peerless Worm Syrup Alcohol, 11% Contains Pink Root, Senna and Anise For Round Worms."